

dent, has the powers, functions, and duties under this chapter incident to hospitalization, reexaminations, and the payment of disability retired pay within his department or agency.

[See main edition for text of (d)]

(As amended Nov. 29, 1989, Pub. L. 101-189, div. A, title XVI, § 1621(a)(2), 103 Stat. 1603.)

#### AMENDMENTS

1989—Subsec. (c). Pub. L. 101-189 substituted "Secretary of Veterans Affairs" for "Administrator of Veterans Affairs".

§ 1218. Discharge or release from active duty: claims for compensation, pension, or hospitalization

(a) A member of an armed force may not be discharged or released from active duty because of physical disability until he—

(1) has made a claim for compensation, pension, or hospitalization, to be filed with the Department of Veterans Affairs, or has refused to make such a claim; or

[See main edition for text of (2); (b)]

(c) This section does not prevent the immediate transfer of a member to a facility of the Department of Veterans Affairs for necessary hospital care.

(As amended Pub. L. 101-189, div. A, title XVI, § 1621(a)(1), (4), Nov. 29, 1989, 103 Stat. 1602, 1603.)

#### AMENDMENTS

1989—Subsec. (a)(1). Pub. L. 101-189, § 1621(a)(1), substituted "Department of Veterans Affairs" for "Veterans Administration".

Subsec. (c). Pub. L. 101-189, § 1621(a)(4), substituted "facility of the Department of Veterans Affairs" for "Veterans Administration facility".

### CHAPTER 63—RETIREMENT FOR AGE

§ 1251. Age 62: regular commissioned officers; exceptions

[See main edition for text of (a) and (b)]

(c) [See main edition for text of (1)]

(2)(A) Except as provided in subparagraph (B), a deferment under this subsection may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

(B) The Secretary concerned may extend a deferment under this subsection beyond the day referred to in subparagraph (A) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-case basis and shall be for such period as the Secretary considers appropriate.

[See main edition for text of (3)]

(As amended Pub. L. 101-189, div. A, title VII, § 709, Nov. 29, 1989, 103 Stat. 1476.)

#### AMENDMENTS

1989—Subsec. (c)(2). Pub. L. 101-189 designated existing provisions as subpar. (A), substituted "Except as provided in subparagraph (B), a deferment" for "A de-

ferment" and "68 years of age" for "67 years of age", and added subpar. (B).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401, 1406 of this title.

### CHAPTER 67—RETIRED PAY FOR NON-REGULAR SERVICE

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 675, 676, 687, 1053, 1064, 1085, 1076, 1370, 1407, 1409, 1447, 1448, 1450, 1451, 1452, 1483, 3961, 6034, 8961 of this title; title 5 sections 8332, 8411; title 38 sections 765, 768.

§ 1331. Age and service requirements

[See main edition for text]

(As amended Nov. 29, 1989, Pub. L. 101-189, div. A, title XIV, § 1404(b)(1), 103 Stat. 1586.)

#### AMENDMENT OF SUBSECTION (d)

Pub. L. 101-189, div. A, title XIV, § 1404(b)(1), (3), Nov. 29, 1989, 103 Stat. 1586, as amended Pub. L. 101-510, div. A, title VI, § 631(1), Nov. 5, 1990, 104 Stat. 1580, provided that, effective Apr. 1, 1992, subsection (d) of this section is amended by inserting "and the Supplemental Survivor Benefit Plan established under subchapter III of that chapter," after "this title".

#### EFFECTIVE DATE OF 1989 AMENDMENT

Section 1404(b)(3) of Pub. L. 101-189, as amended by Pub. L. 101-510, div. A, title VI, § 631(1), Nov. 5, 1990, 104 Stat. 1580, provided that: "The amendments made by paragraphs (1) and (2) [amending this section and section 3101 of Title 38, Veterans' Benefits] shall take effect on April 1, 1992."

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1332, 1338, 1401, 1405, 1406, 1407, 1408, 1447, 1448, 1482, 4342, 6954, 9342 of this title.

§ 1332. Computation of years of service in determining entitlement to retired pay

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 676, 1002, 1006, 1209, 1331, 1333, 1482, 3850, 6389, 6391, 8850 of this title.

### CHAPTER 69—RETIRED GRADE

§ 1370. Commissioned officers: general rule; exceptions

(a) [See main edition for text of (1)]

(2)(A) In order to be eligible for voluntary retirement under any provision of this title in a grade above major or lieutenant commander and below lieutenant general or vice admiral, a commissioned officer of the Army, Navy, Air Force, or Marine Corps must have served on active duty in that grade for not less than three years, except that the Secretary of Defense may authorize the Secretary of a military department to reduce such period to a period not less than two years in the case of retirements effective during the five-year period beginning on October 1, 1990.